

Remarks

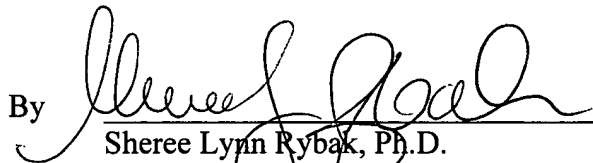
The specification was objected to on the ground that the description of 'QNSTC' was less than a full, clear and complete botanical description of 'QNSTC' and the characteristics which define 'QNSTC' and distinguish 'QNSTC' from related cultivars and antecedents. Applicants have amended the specification as follows, to more clearly describe 'QNSTC.'

- A. The epithet has been amended as suggested by the Examiner.
- B. The average rate of growth (caliper) is already included in application on page 4, line 28 (1.35 caliper inches per year). Therefore, no amendment is needed.
- C. Information on the lenticels is now found in the application on page 5 after line 3.
- D. Information on the branch surface texture and color are now found in the application at page 5, line 4.
- E. Information on the petiole is now found in the application at page 5, line 14.
- F. On page 5, line 10 the language "Needle-like" has been replaced with "Lobed".
- G. The color of the buds now includes reference to a color chart on page 5, line 14.
- H. Botanical information on the acorns is provided on page 5, lines 23-25. Although the acorn can be the most distinguishing characteristic that determines the difference between oak species, in this case the acorn most resembles Nuttall Oak (see page 2, line 11 of specification). As a practical matter, acorns are currently unavailable until probably October 2005, and therefore, no photograph can be obtained until that time. It is submitted that no photograph of the acorn should be required since the shape, size, and color is described in the specification.
- I. Applicants have amended the specification to note that tufts of hairs on the underside vein axils are present in the new variety (see page 5, line 9), like *Q. nuttallii* and also like *Quercus shumardii*.

In view of these amendments, Applicant requests that the 35 U.S.C. §§ 112, 1st and 2nd paragraph rejections be withdrawn, and a Notice of Allowance issued. If any minor issues remain before a Notice of Allowance is issued, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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